



FEMA

June 5, 2019

SENT VIA E-MAIL TO: foia@americanoversight.org

Austin R. Evers
Executive Director
American Oversight
1030 15th Street, NW
Washington, DC 20005

Re: FEMA FOIA Case Number 2019-FEFO-00394

Dear Mr. Evers:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), dated February 25, 2019 and received in this office on March 21, 2019. You are seeking the following:

1. Records sufficient to show any payments made by former FEMA Administrator Brock Long to the federal government.
2. Any bills, invoices, or other accounting reflecting any amounts owed by former FEMA Administrator Brock Long to DHS, FEMA, or any other federal agency or component.
3. All records related to former FEMA Administrator Brock Long's commitment to repay the federal government for unauthorized use of FEMA resources, including records reflecting repayment plans, repayment schedules, or acknowledgement of debt, whether formal or informal.

A search of all locations reasonably likely to contain responsive records was conducted within FEMA. Specifically, the following locations within the agency were searched:

- Office of the Administrator
- Office of the Chief Financial Officer
- Office of the Chief Human Capital Officer

This search produced six pages of responsive records that originated from FEMA. Of those pages, I have determined that four pages of the records are releasable in their entirety and two pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(6).

FOIA Exemption 6 exempts from disclosure of personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Please note that FEMA does not have records related to any Office of the Inspector General's (OIG) investigation or any conclusions made as a result of any investigation, to the extent such records may exist. Questions or inquiries regarding any possible records in OIG's possession should be directed to their office.

During our search for records, we located two additional pages of responsive records. These records contained equities from DHS. Accordingly, we have referred the two pages to the DHS Privacy Office for review and response directly to you. Question about those records can be directed to:

The Privacy Office, Department of Homeland Security
245 Murray Lane, SW, Building 401, MS-0655
Washington, DC 20528-0655
foia@hq.dhs.gov

You have the right to appeal if you disagree with FEMA's response. The procedure for administrative appeals is outlined in the DHS regulations at 6 C.F.R. § 5.8. In the event you wish to submit an appeal, we encourage you to both state the reason(s) you believe FEMA's initial determination on your FOIA request was erroneous in your correspondence and include a copy of this letter with your appeal. Should you wish to do so, you must send your appeal within 90 days from the date of this letter to fema-foia@fema.dhs.gov, or alternatively, via mail at the following address:

FEMA
Office of the Chief Administrative Officer
Information Management Division (FOIA Appeals)
500 C Street, SW, Seventh Floor, Mail Stop 3172
Washington, D.C. 20472-3172

As part of the 2007 amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770/Toll-free: 1-877-684-6448
Facsimile: 202-741-5769

If you need any further assistance or would like to discuss any aspect of your request, please contact us and refer to FOIA case number **2019-FEFO-00394**. You may send an e-mail to fema-foia@fema.dhs.gov, call (202) 646-3323, or you may contact our FOIA Public Liaison in the same manner.

Sincerely,



Gregory Bridges
Lead Government Information Specialist

Secretary,

As we have previously discussed, I am fully committed to resolving all programmatic issues regarding the past usage of vehicles designed to support FEMA's ability to execute mandated Continuity of Government responsibilities. I believe this program operated for me the same way it operated for the previous FEMA Administrator, and various deputies, since the program's inception in 2008. It was also operated consistent with my understanding of the program rules, based on the guidance given to me by experienced career FEMA personnel who were familiar with, and responsible for, advising me on program operations and applicable laws, policies, and regulations.

Nonetheless, I certainly appreciate the impact this issue has had upon the Department and FEMA. For that reason, I am agreeing to the resolution you propose in your letter dated January 15, 2019, but without any admission of liability for the stated amounts. I believed then, and believe now, that the program operators were executing the program according to the rules they believe applied at the time and based upon past precedent. To the extent there was any noncompliance on my behalf, it was entirely unintentional.

Going forward, the National Continuity Program is working to resolve all issues; however, it is clear that this continuity support program must be better designed and properly enabled by law, to help FEMA execute its mission as stated by Presidential Preparedness Directive 40, OSTP/OMB D-16-1, and DHS Instruction 008-03-002. This program is important. As you are aware, the FEMA Continuity Executive Support Team and the support vehicles, ensure that the FEMA Administrator has the ability to immediately and accurately inform the President, his designated representative, and senior leaders regarding continuity posture at any given time. FEMA is committed to continue working with DHS to design a program that appropriately supports the FEMA Administrator and the agency's capability to ensure continuity for the Executive Branch of Government.

Thank you for your leadership to help resolve this issue.



Brock Long

BROCK LONG

(b)(6)

1-31-19 Date

(b)(6)

PAY to the Order of FEMA

two thousand Seven hundred Sixteen & 00/100 \$ 2,716.00

(b)(6) Dollars

Photo Safe Deposit Box

For Vehicle Resolution

(b)(6)

MP

CELESTIAL CLASSICS



FEMA

January 30, 2019

W. Brock Long
Administrator
Federal Emergency Management Agency

Dear Mr. Long:

In accordance with the letter dated January 15, 2019 from the Secretary of the Department of Homeland Security, this letter serves as an official acknowledgment that you have made full payment for the amount due for your use of government vehicle costs. Your payment was provided via personal check, number (b)(6) in the amount of \$2,716.00.

For your records, I have attached to this receipt of payment: a copy of the official bill; a copy of the check; and a copy of your letter to the Secretary of the Department of Homeland Security regarding this matter.

The Federal Emergency Management Agency's Office of the Chief Financial Officer is in possession of your payment and will take the appropriate actions to deposit your check with the U.S. Treasury.

If you have any questions or require additional assistance regarding your payment, please call me at 202-709-0882.

Sincerely,

MARY FRANCIS
F COMANS
Mary F. Comans
Chief Financial Officer
Federal Emergency Management Agency

Digitally signed by MARY FRANCIS F COMANS
Date: 2019.01.30 15:59:43 -05'00'



FEMA

January 30, 2019

W. Brock Long
Administrator
Federal Emergency Management Agency
Amount Due: \$2,716.00

Dear Mr. Long:

In accordance with the letter dated January 15, 2019 from the Secretary of the Department of Homeland Security, please accept this letter as the official bill for the use of government vehicle cost. Please remit payment by January 31, 2019 to the address below. Make your check or money order payable to the Federal Emergency Management Agency (FEMA). If you have questions about a payment plan, please call 1-800-225-9501.

If you fail to pay the debt in full within 30 days from the date of this letter, interest at the rate of 1% per annum and administrative charges for costs incurred in processing the debt, will be assessed starting from the date of this letter on the unpaid balance. Also, FEMA may take an administrative offset against other requests for reimbursements or withhold advance payments otherwise due to you. You have 60 days to resolve the debt before it is submitted to the Department of the Treasury. Once the debt is submitted to the Department of the Treasury, any eligible federal payment will be offset to satisfy the debt.

You have the following rights: to inspect and copy records relating to your debt, request a hearing or appeal, or request a payment plan. If you wish an agency review please submit your written request within 60 days from the date of this letter to the address above.

If you wish to appeal or require additional information about your debt, please call the Travel Helpline at 1-866-333-1898 between 7:30 a.m. to 5:00 p.m. Eastern Time, Monday thru Friday or email the Travel Department at FEMA-TravelPolicy@fema.dhs.gov.

Sincerely,

GREGORY L TEETS Digitally signed by GREGORY L
TEETS
Date: 2019.01.30 14:00:05 -05'00'

Debt Collection Officer

Payment Coupon

W. Brock Long

Amount owed: \$2,716.00

Mail your check or money order payable to FEMA to:

FEMA
P.O. Box 6200-16
Portland, OR 97228-6200

If you wish to pay by credit card, please fill out the following:

Method of Payment

☐

MasterCard

☐

Visa

☐

American Express

☐

Discover

Card Number

Expiration Date

Amount:

MO

YR

Authorized Payment

\$

Cardholder Name (Print legible) _____

Cardholder Billing Address: _____

Cardholder Signature: _____ Today's Date: ____/____/____

Email address: _____

(If you want an email receipt)

**** You are NOT allowed to use your Government issued Travel or Purchase Card to repay a debt to FEMA. For additional information, please see your cardholder agreement and cardholder guide. If you attempt to use a Government issued Travel or Purchase Card to repay this debt, an additional administrative fee of \$15.00 will be charged to your account. All Bank Fee's relating to the transmission and return of this item, will also be your responsibility to pay.**

FEMA Debt Repayment Process: Your Rights and Options

A. Payment Options. To re-pay the debt your options are:

1. Mail a personal check or money order in the amount of your debt, payable to FEMA. You should address your repayments to:

FEMA
P.O. Box 6200-16
Portland, OR 97228-6200

2. Pay via credit card using the attached FEMA Debt Repayment Form.
3. Pay via credit card by calling 1-800-225-9501 or TTY at 1-800-462-7585 for persons who are Deaf, Hard of Hearing, or those with speech disabilities between 7:30 A.M. and 5:00 P.M. EST, Monday through Friday.
4. Pay via debit/credit card or Automatic Clearing House (ACH), please visit www.pay.gov. Once you are on the Pay.gov home page, on the left-hand side there is a section titled "Find Public Form." Type in FEMA, hit the go button and the FEMA Finance Center-Recoup Assistance Repayment Form will appear. Click on the link and proceed to make a payment. To complete the FEMA Application Number field, disaster survivors please use your 9-digit FEMA Application/Registration Number and FEMA employees please use your Bill for Collection Number.
5. To request a payment plan, please call 1-800-225-9501

Please send correspondence to:

FEMA Finance Center
P.O. Box 9001 (AR)
Winchester, VA 22604



Homeland
Security

June 18, 2019

SENT VIA EMAIL TO: FOIA@americanoversight.org

Austin R. Evers
Executive Director
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

Re: **2019-HQFO-00852**

Dear Mr. Evers:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA), dated February 25, 2019. You are seeking a copy of the following:

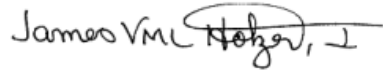
- 1- Records sufficient to show any payments made by former FEMA Administrator Brock Long to the federal government;
- 2- Any bills, invoices, or other accounting reflecting any amounts owed by former FEMA Administrator Brock Long to DHS, FEMA, or any other federal agency or component; and,
- 3- All records related to former FEMA Administrator Brock Long's commitment to repay the federal government for unauthorized use of FEMA resources, including records reflecting repayment plans, repayment schedules, or acknowledgement of debt, whether formal or informal.

While processing your request, the FEMA located records that fall under the purview of the Department of Homeland Security (DHS). Accordingly, your request and two (2) pages of responsive records were referred to this office for processing and direct response to you. Your request was received in this office on June 07, 2019. We are granting your request under FOIA, 5 U.S.C. § 552, and DHS FOIA regulations at 6 C.F.R. Part 5. After carefully reviewing the responsive documents, I determined that they are appropriate for public release. The documents are enclosed in their entirety; DHS has claimed no deletions or exemptions.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact our office and refer to **2019-HQFO-00852**. You may send an e-mail to foia@hq.dhs.gov, call 202-343-1743 or toll free 1-866-431-0486, or you may contact our FOIA Public Liaison in the same manner.

Sincerely,

A handwritten signature in black ink that reads "James V. Holzer, Jr." with a stylized flourish at the end.

James Holzer
Deputy Chief FOIA Officer

Enclosure(s): Responsive Records (2 pages)



Homeland
Security

January 15, 2019

W. Brock Long, Administrator
Federal Emergency Management Agency

Dear Administrator Long:

In their Report of Investigation (ROI) dated September 14, 2018, the Office of Inspector General (OIG) cited your use of Federal Emergency Management Agency (FEMA) government vehicles and drivers for unauthorized Home-to-Work (HTW) transportation and other unofficial business, both inside and outside of the National Capital Region (NCR). Based on review of the report and additional review of FEMA documentation and travel records, the Department of Homeland Security (DHS) Chief Financial Officer (CFO), working with the DHS General Counsel, has calculated the value of the repayment amount and the taxable benefit of the transportation.

The DHS Office of the CFO determined that the reimbursement amount calculated by the OIG is in excess of the cost of providing personal transportation services, and would have required you to reimburse costs of the program execution unrelated to any personal benefit gained. Instead, as discussed you are directed to repay the portion of the government vehicle costs for those times you were transported while not on official business, calculated to be \$2,716, based on a rate of 81.7 cents per mile for 3,324 miles. The mileage rate was used by the OIG in their cost estimates and by FEMA Counsel in determining the value of HTW benefits.

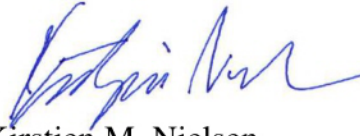
The FEMA CFO will generate a bill for the amount of \$2,716 which is due to be paid by January 31, 2019. The taxable benefit that is reported will be reduced by this repayment amount.

The taxable value of the transportation, based on Internal Revenue Service (IRS) regulations in 26 Code of Federal Regulations §1.61-21, amounts to approximately \$18,562 in FY 2017 and \$11,243 in FY 2018 to date, for a combined total value of \$29,805. After deducting the reimbursable amount of \$2,716 the value of \$27,090 will be reported to you as taxable income; pro-rated based on miles traveled in calendar years 2017 and 2018. For 2017, a revised W-2 form will be issued to you. For 2018, the

additional taxable benefit will be included in your annual W-2 which will be issued by January 31, 2019. You are encouraged to consult with your tax advisor to discuss the impact on your personal tax returns.

Your leadership is widely respected within the Department, and I appreciate you taking full responsibility for this matter and ensuring that it will not recur, including the changes that you implemented for effective and efficient operation of the continuity program. Thank you for your continued leadership in support of our critical mission.

Best Regards,



Kirstjen M. Nielsen
Secretary

cc:

Senior Official Performing the Duties of the Deputy Secretary
Deputy Undersecretary for Management
General Counsel